

Department of the Army, DoD

§ 588.32

complaint examiner in processing the complaint. In mixed cases covered by § 588.42, the Army decision should be given within 120 days.

(b) If the activity has not issued a decision and has not asked for a complaints examiner within 75 calendar days from the date a formal complaint was filed, the EEOC may require the Army to take steps to make sure the complaint is processed promptly. Alternatively, the EEOC may assume the complaint's processing. This assumption may include an EEOC investigation that will be paid for by the activity.

§ 588.28 Canceling a complaint.

(a) If a complainant fails to prosecute the complaint prior to the issuance of the USACARA ROI, the EEO officer will notify the complainant of the possibility of cancellation if the complainant does not proceed within a specified time period. If the complaint is canceled, the EEO officer will notify the complainant, in writing, of the cancellation, and of his or her right to appeal to the EEOC or to file a civil action. The notice will also give the time limits for filing an appeal or civil action.

(b) If the complainant fails to prosecute the complaint and it has been investigated by USACARA, the EEO officer should send the file to EEOCRA and request that the Secretary of the Army or his or her designee issue a final decision.

§ 588.29 Consolidation of complaints.

(a) Two or more complaints of discrimination filed by different Army employees, former employees, or applicants for employment, making substantially similar allegations of discrimination, may, with written permission of the complainants, be consolidated for processing by any of the following individuals:

- (1) EEO officer.
- (2) Activity Commander.
- (3) USACARA investigator.
- (4) EEOC complaints examiner.

(b) Two or more complaints of discrimination from the same employee or applicant may, at the discretions of the EEO officer, Activity Commander, USACARA investigator, or EEOC com-

plaints examiner, be joined for processing after notifying the individual that his or her complaints will be processed jointly.

§ 588.30 The complaint file.

The complaint file will be indexed and tabbed in reverse chronological order and will contain legible copies of the documents listed in § 588.76.

Subpart C—Class Complaints of Discrimination

§ 588.31 General guidance.

(a) An employee or applicant who wishes to be an agent for a class and who believes the class has been discriminated against because of race, color, religion, sex, national origin, physical or mental handicap, age, and/or reprisal in an employment matter controlled by the Army, may file a class complaint of discrimination. An agent must be a member of the class and must allege that he or she has been personally harmed by a personnel policy or practice that the Army has the authority to change or eliminate.

(b) EEO personnel trained in handling class complaints serve as the counselors for class complaints.

(c) Agents of the class should be thoroughly familiar with the criteria in § 588.33 before they file a class complaint.

(d) The summarized step-by-step procedure in appendix B, and the flow chart at appendix J may be reproduced locally and used as a handout.

§ 588.32 Precomplaint processing.

(a) An employee or applicant for employment who wishes to be an agent in a class complaint must consult with the responsible activity's designated EEO counselor for class complaints. Contact must be made within 90 calendar days from one of the following dates:

- (1) The date of the matter giving rise to the allegation of individual discrimination.
- (2) The effective date of a personnel action.
- (3) The date that the aggrieved person became aware, or reasonably should have become aware.